

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1630  
Wednesday, **December 10, 1986**, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Carnes	Crawford	Frank	Jackere, Legal
Doherty, 2nd Vice- Chairman		Gardner	Counsel
Draughon		Setters	Bolding, DSM
Kempe			
Paddock, Secretary			
Parmeale, Chairman			
Selph			
VanFossen			
Wilson, 1st Vice- Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, December 9, 1986 at 10:48 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:30 p.m.

**MINUTES:**

**Approval of Minutes of November 26, 1986, Meeting #1628:**

On **MOTION** of **PADDOCK**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmeale, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, "absent") to **APPROVE** the **Minutes of November 26, 1986**, Meeting No. 1628, as amended, upon the suggestion of Mr. Paddock to clarify the discussion and presentation of the Tulsa Development Authority Resolution, and conformance of same with the Comprehensive Plan of the City of Tulsa.

**REPORTS:**

**Committee Reports:**

Mr. Paddock advised the Rules and Regulations Committee would be meeting Wednesday, December 17, 1986 at 11:30 a.m.

Director's Report:

Mr. Gardner advised he had spoken with Stan Bolding in regard to getting information from the Department of Stormwater Management (DSM) prior to the TMAPC hearing a case. Mr. Gardner explained that if there were any zoning cases in a regulatory floodplain, DSM would be notified and DSM would then fill out a form to be placed in the TMAPC agenda packets that would provide the necessary DSM comments and findings on those particular zoning cases. Should an agenda contain zoning cases not in a floodplain, then there would be no information from DSM. Mr. Gardner stated that the DSM form submitted for this hearing advised there were no cases in a regulatory floodplain, but a Watershed Development would be required on some of the applications, which is required of any zoning application presented. All zoning cases in a regulatory floodplain would be reviewed and that information would be supplied to the TMAPC in advance of the hearing. In addition, Mr. Gardner advised, an applicant was required to sign an affidavit upon filing a zoning application stating they were aware that their case was, or may be found, to be in a regulatory floodplain. This information is then forwarded to DSM for their review. Further, DSM has the option of appearing before the TMAPC to comment on any case they wished to make a statement, whether or not it may be in a floodplain, i.e. areas known to have drainage problems, etc.

A consensus of the TMAPC was that it would not be necessary to have a representative present at the TMAPC meetings, as long as the DSM information was being provided beforehand. Mr. VanFossen suggested that someone (from the Commission or Staff) state the DSM findings so as to get this information on record. It was agreed to handle it this way, and should there be a case where protestants advise of an unknown drainage problem, then that case could be continued to allow notification to DSM and request their attendance at the continued date.

Mr. Draughon commented that in regard to this matter his primary concern was the protection of the public. In the past, this Planning Commission, the City and County Commissions have permitted subdivisions to be developed, some of which have been annexed by the City later, and they have not had proper examination of the flood problems. Mr. Draughon stated he lived in one of these areas and was on the Planning Commission to see if he could possibly prevent it happening again. He further added that "if we (TMAPC) change the zoning from agricultural to commercial (for example) without any prior knowledge of the possible flood problems in that area or downstream, they we are just as guilty as the people who have been up here in the past years that have permitted this to happen and causing people to be flooded today." Mr. Draughon agreed that the TMAPC should have information from DSM prior to rezoning land that was in the process of being urbanized, where or not a representative was present.

Director's Report - Cont'd

Mr. Gardner commented to Mr. Draughon that his subdivision, and subdivisions developed prior to 1977, all experienced the same problems as there were no laws at the time to govern the flooding problems. Since the establishment of these laws, Mr. Gardner stated he could not recall any subdivision that has gone through the process that did not get a full report and review as far as the drainage was concerned. Mr. Draughon pointed out an area of concern on 61st Street between Memorial and Mingo where he thought the drainage requirements were not definitely determined. Mr. VanFossen reminded Mr. Draughon that the design of this area was with the 100 year flood criteria, but there were areas that, at some point might flood, but were approved in accordance with the current criteria, which is certainly better than before.

Ms. Wilson stated to Mr. Draughon, that she felt this was at least an improvement than that of the past, and recalled a few instances where the TMAPC placed conditions of approval to try and limit flooding. Chairman Parmele agreed that this was definitely a step in the right direction as the TMAPC had been requesting input from DSM for quite some time.

CONTINUED ZONING PUBLIC HEARING:

PUD 418 Jones (Williams, etal) West of the SW/c of 91st & Delaware (CS & OL)

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, "absent") to **CONTINUE Consideration of PUD 418 Jones (Williams, etal)** until Wednesday, **June 10, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center, as requested by the applicant and Staff.

\* \* \* \* \*

Z-6129 Sublett (Williams) N/side of 37th Street East of Peoria (RS-3 to RM-0)

On **MOTION** of **DOHERTY**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, "absent") to **CONTINUE Consideration of Z-6129 Sublett (Williams)** until Wednesday, **December 17, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center, as requested by the applicant and Staff.

ZONING PUBLIC HEARING:

Application No.: Z-6131 Present Zoning: OL  
Applicant: Grant Proposed Zoning: CS  
Location: N & E of the NE/c of South Mingo & East 73rd Street South  
Size of Tract: .32 acres, more or less  
Date of Hearing: December 10, 1986  
Presentation to TMAPC by: Mr. Tom Grant, Jr., 2530 Mid-Continent Tower

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use/Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested CS District is in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .32 acres in size and located north and east of the northeast corner of South Mingo Road and East 73rd Street South. It is nonwooded, flat, vacant and zoned OL.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant land zoned CS, on the east by vacant land zoned CO, and on the south and west by commercially developed property zoned CO.

**Zoning and BOA Historical Summary:** Past action by the TMAPC has allowed the area corridor and commercial uses for a retail strip shopping center to the west and a Federal Express Building to the south in accordance with approved Corridor Site Plans.

**Conclusion:** Z-6131 represents a case in which a housekeeping matter is being performed. The new zoning boundary will coincide with the property line and "square up" the Node. The subject tract is abutted on all sides by some type of CO zoning and commercial land uses and the OL buffer is no longer needed. Future buffers can be created in the Corridor Detail Site Plan review process as needed.

Therefore, based on the Comprehensive Plan, existing zoning patterns, and physical facts, Staff recommends **APPROVAL** of CS zoning.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-1** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Kempe, "abstaining"; (Crawford, "absent")) to **APPROVE Z-6131 Grant for CS**, as recommended by Staff.



Mr. Paddock confirmed with the applicant the accessibility to the OL zoned property and asked if there was an alleyway. Ms. Smith stated that she thought there used to be a designated alley, but the tenants of the auto part store use this for parking.

Comments & Discussion:

Mr. Draughon advised the DSM comments indicated the name of the Watershed was Joe Creek; a Master Drainage Plan was under way; on-site detention would be required at the time of development; and the type of Watershed Development Permit would be determined at the time of Building Permit application or platting.

Interested Parties:

Address:

Mr. & Mrs. Miles Ford	3404 East 39th Street	74135
Ms. Sherilyn Walton	3914 South Jamestown	"
Mr. Phillip Bailey	3323 East 39th Street	"
Ms. Opal Dyer	3324 East 39th Street	"
Mr. & Mrs. Donald Payton	c/o 3419 East 40th Street	"
Ms. Marie Ellis	3328 East 39th Street	"

Mr. Paddock read a memo from Ms. Jean Heidinger forwarded to the Commission by Mr. Herb Fritz, Chairman for the District 6 Citizen Planning Team. Ms. Heidinger stated opposition to the zoning request as she felt it was encroachment into the residential neighborhood.

Mr. & Mrs. Miles Ford both spoke in protest to the OL request and stated concerns as to potential parking problems and increased traffic into the neighborhood. Mr. Ford submitted photos of the subject tract and surrounding residential structures. Ms. Ford read letters from Ms. Helena B. McNern, Ted & Pat Kaltenbach and Ms. Hazel Tippin, all of whom stated opposition to the zoning request.

Ms. Sherilyn Walton also spoke against the request for OL and submitted petitions of 39 other residents protesting this application.

Mr. Phillip Bailey commented that he was opposed due to the number of children in this neighborhood, and he was also concerned about increased traffic and parking.

Ms. Opal Dyer advised she has lived in this neighborhood for 24 years and joined the others in opposition of the OL zoning. Ms. Dyer submitted photos of her home.

Mr. and Mrs. Donald Payton (5727 South 69th East Avenue), stated they own property at 3419 East 40th and they, too, were against the request for OL.

Ms. Marie Ellis agreed with the other protestants voicing their concerns and requested denial of this application.

Applicant's Rebuttal:

Ms. Smith stated she was a little overwhelmed by the response of the neighborhood, as she was granted a home occupation to operate a beauty shop and has been doing for ten years without any complaints for her neighbors.

Comments & Discussion:

Ms. Wilson stated agreement with the Staff recommendation and moved for denial of OL. Ms. Kempe agreed that the OL abutting the subject property was misleading. Mr. Paddock asked if, under the present policy, they were able to go in and rezone a piece of property based on the objections of the property owners (i.e. the existing OL to the south of the subject tract). Mr. Gardner advised the Commission had that right if they wanted to submit an application for downzoning that tract with proper notice.

TMAPC ACTION: 10 members present

On **MOTION** of **WILSON**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent") to **DENY Z-6133 Smith for OL**, as recommended by Staff.

\* \* \* \* \*

Application No.: **Z-6134** Present Zoning: AG  
Applicant: **Howard** Proposed Zoning: RS-1  
Location: South of the SE/c of Yale Avenue and 101st Street  
Size of Tract: 5 acres, approximate  
Date of Hearing: December 10, 1986  
Presentation to TMAPC by: Mr. Leonard Howard, 10333 South Yale (299-3945)

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District #2 - Low Intensity Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RS-1 District may be found in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 5 acres in size and located one-fourth mile south of the southeast corner of Yale Avenue and 101st Street South. It is partially wooded, flat, contains a single-family dwelling and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant property zoned RS-2, on the east by vacant property zoned AG, on the south by scattered single-family dwellings zoned AG, and on the west by a developing single-family subdivision zoned RS-2.

**Zoning and BOA Historical Summary:** TMAPC actions have allowed low intensity residential zoning in the area.

**Conclusion:** RS-1 zoning is consistent with the Comprehensive Plan and existing zoning in the area. Presently, large lot single-family development is the development trend in this area.

Therefore Staff recommends **APPROVAL** of RS-1 zoning as requested, finding it to be consistent with the Comprehensive Plan and existing development.

Comments & Discussion:

Mr. Draughon advised the DSM comments on this case indicated this property was part of the Vensel Creek Watershed area, on which a Mater Drainage Plan has been adopted; on-site retention would be required at the time of development with special considerations needed in development planning, as well as a Watershed Development Permit (although the type of permit was not indicated).

TMAPC ACTION: 10 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent") to **APPROVE Z-6134 Howard for RS-1**, as recommended by Staff.

Legal Description:

The north half of the NW quarter of the SW quarter of the NW quarter, Section 27, T-18-N, R-13-E, Tulsa County, State of Oklahoma.

\* \* \* \* \*

Application No.: Z-6135  
Applicant: **Young (Harrington)**  
Location: 18125 East Admiral  
Size of Tract: 1.8 acres, more or less

Present Zoning: RS-1  
Proposed Zoning: IL

Date of Hearing: December 10, 1986  
Presentation to TMAPC by: Mr. Terry Young, PO Box 3351, 74101

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District - Industrial.



Z-6135 Young (Harrington) - Cont'd

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested IL District may be found in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 1.8 acres in size and located east of the northeast corner of Admiral Place and South 177th East Avenue. It is nonwooded, gently sloping, vacant, contains a single-family residential unit and stored automobiles and is zoned RS-1.

**Surrounding Area Analysis:** The tract is abutted on the north by the I-44 Expressway and Rogers County, on the east by vacant land and a concrete company zoned IL and on the south and west by a single-family residential unit zoned RS-1.

**Zoning and BOA Historical Summary:** Several rezoning cases have been approved allowing industrial zoning north of Admiral Place.

**Conclusion:** The area north of Admiral Place is in transition from residential to industrial. Staff can support the requested IL zoning based on the Comprehensive Plan, existing land use and zoning patterns.

Therefore, Staff recommends **APPROVAL** of IL zoning as requested.

Applicant's Comments:

Mr. Terry Young, representing the applicant, stated agreement to the Staff recommendation for approval.

Interested Parties:

Address:

Ms. Norma Bivins	18101 East Admiral	74015
Ms. Christine Taube	18015 East Admiral	"

Ms. Bivins stated she owns the property adjacent to the subject tract and submitted photos showing 15 cars that were currently being stored on the applicant's property. Ms. Bivins stated she was against the request if the applicant intended to use it as a salvage, and she was opposed to IL zoning.

Mr. VanFossen informed Ms. Bivins that should the property be rezoned, the applicant would be required to put up a screening fence. Commissioner Selph asked Ms. Bivins if she would be opposed to the request with a six foot screening fence in place. Ms. Bivins stated she would be due to the wrecker service going on during the night and the noise associated with the wrecker service. Mr. VanFossen stated that under IL zoning, a salvage operation would not be allowed. Ms. Bivins reiterated that it appeared the applicant currently had a salvage operation and has had for some time. Discussions continued as to the number of cars stored, autos for repair, etc.

Z-6135 Young (Harrington) - Cont'd

Ms. Taube stated she was also opposed to the request and confirmed the autos/salvage on the property, as well as the disturbance at night with the wrecker activity.

Applicant's Rebuttal:

Mr. Young pointed out that IL was in accordance with the Comprehensive Plan and stated the applicant had been told that this area was in transition to IL zoning. As to the autos on the premises, Mr. Young advised these autos were awaiting repair, and the applicant was conducting an auto repair business.

Mr. Doherty inquired if the applicant owned any of the vehicles currently on the property, and was informed he did not. Commissioner Selph asked the approximate number of vehicles currently on the property. Mr. Young stated there were nine autos awaiting repair and added that this was not a salvage business.

Ms. Kempe inquired if there were restrictions as to hours of operation under IL zoning and Chairman Parmele replied there was not. Discussions continued as to the nature of the auto repair business. Mr. VanFossen stated that, although he had some reservations, he felt IL was appropriate, and moved for approval of the request. Ms. Wilson stated that IL was only a "may be found" in accordance with the Comprehensive Plan to encourage industrial, but she did not feel IL was appropriate due to the residential in the area.

TMAPC ACTION: 10 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-1-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Woodard, "aye"; Wilson, "nay"; no "abstentions"; (Crawford, "absent")) to **APPROVE Z-6135 Young (Harrington) for IL**, as recommended by Staff.

Legal Description:

Lot 3, Section 1, T19, R14E, commencing at a point 247.2' east and 40' north of the SW corner of Lot 3, Section 1 of T19, R14E, said point being the POB; thence east on a line parallel to the south line of said Lot 3 and 40' distance therefrom, a distance of 141.25' to a point; thence north a distance of 557.5' more or less to a point in the southerly right-of-way of Skelly Drive; thence west along said southerly right-of-way line of Skelly Drive a distance of 141.25' to a point; thence in a southerly distance in a straight line to the POB.

\* \* \* \* \*

Application No.: Z-6136 & PUD 179-M Present Zoning: OL  
Applicant: Young (Wenrick) Proposed Zoning: CS/CG  
Location: South Side of East 71st Street, 1/2 Mile East of Memorial Drive  
Size of Tract: 6 acres  
Date of Hearing: December 10, 1986  
Presentation to TMAPC by: Mr. Terry Young, PO Box 3351, Tulsa 74101

**NOTE:** THIS IS THE IDENTICAL APPLICATION WHICH WAS RECOMMENDED FOR DENIAL BY THE STAFF AS Z-6069/PUD 179-K AND DENIED BY THE TMAPC 8/14/85 (8:0:1) AND DENIED BY THE CITY COMMISSION 9/24/85 (4:0:0, GARDNER ABSENT).

Relationship to the Comprehensive Plan:

The District 18 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CS and CG Districts **are not** in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract has a net area of six acres and is located on the south side of East 71st Street, one-half mile east of Memorial Drive. It is nonwooded, flat, vacant, zoned OL, and PUD #179-D.

**Surrounding Area Analysis:** The tract is abutted to the east and south by an apartment complex zoned RM-1 and RS-3, on the west by a heavily treed site which was once a horticulture nursery zoned AG, and on the north side of East 71st Street by vacant land zoned AG Agriculture and P Parking.

**Zoning and BOA Historical Summary:** Medium intensity zoning has been limited to the major intersections of 71st and Memorial and 71st and Mingo. The northeast corner of 71st and Memorial is a regional shopping mall which is designated as Special District 3 per the District 18 Plan. The southeast corner of 71st and Memorial contains a 50 acre commercial site under PUD 179 with multi-family and office uses extending along 71st east to the node at Mingo Road. The commercial zoning patterns at 71st and Memorial were established prior to approval of the Development Guidelines; therefore, the medium intensity CS underlying zoning extends beyond the 15-acre Type III Node which would now be called for under the Guidelines. Allocation of medium intensity uses, however, has been restricted within PUD 179 on the east to align with similar uses and zoning north of 71st. These uses and zoning districts are also buffered north of 71st Street by OL and P Parking zoning within Special District 3. The zoning pattern granted in PUD 179 at the southeast corner of 71st and Memorial per Z-4726 (10/8/74) was equivalent to the CS zoning in place at the northwest corner (30.24 acres). Other intervening land between Mingo and Memorial along 71st Street is zoned for low intensity apartments and offices except at the intersection nodes of Mingo and 71st. Staff notes that zoning and PUD's approved since the adoption of the District 18 Plan

(8/27/75) in this segment of 71st Street were granted as "may be found" OL zoning for PUD 235/Z-5411 and PUD 179-D/Z-5718. At the time Z-5718 was approved, OM Office Medium Intensity was requested and denied and OL Office Light zoning granted in the alternative on 7/22/82.

**Conclusion:** The subject tract is one of several tracts of land which are presently vacant along East 71st Street, between Memorial and Mingo. The physical facts and zoning districts which now exist in this segment of 71st are in accordance with the approved Comprehensive Plan Map for District 18. Approval of the subject request would require an amendment to the Comprehensive Plan. Although the net area of the subject tract is only six acres, the precedent of rezoning this tract to CS or CG could reasonably be expected to impact all other adjacent vacant tracts fronting 71st from Mingo to Memorial. The total area of these tracts is 81 acres. This figure was arrived at using a depth of 660 feet from the section line along East 71st and the balance of the 40 acre tract at the northwest corner of Mingo and East 71st. The zoning of these tracts varies from AG to RM-1 to OL and P Parking and a major portion of this land is not under the control of a PUD. The area of the vacant tracts plus the subject tract would support more than 1.9 million square feet of additional commercial floor area at .5 Floor Area Ratio (FAR); this would constitute another regional shopping mall the size of Woodland Hills Mall without interior ring roads, acceleration and deceleration lanes along 71st, and restricted median cuts on 71st and P zoning buffers such as exist in Special District 3. CG zoning would permit a .75 FAR and 2.850 million square feet of additional commercial floor area. It is likely that numerous future curb cuts and even median cuts along 71st Street would be requested and even required to support such a "regional strip shopping center". Consideration should also be given to the impact that commercial stripping out of this mile of 71st between Memorial and Mingo would have upon the area between Mingo Road and the planned Mingo Valley Expressway and the balance of 71st east to Broken Arrow. Planned six laning of 71st and Memorial is necessary to support development in accordance with the Comprehensive Plan and strip commercialization along these Primary Arterials would virtually destroy the traffic capacity and would violate the Development Guidelines. Separate exhibits have been prepared which illustrate this matter.

This area is planned for Low Intensity Residential - No Specific Land Use and low intensity residential and office uses are the only uses which are or could be found in accordance with the Comprehensive Plan. Further, the Development Guidelines offer no basis for increasing the intensity of this area from low to medium which would be required to support CS or CG zoning. The general area to the east has begun to develop along the general concepts of the Development Guidelines, with medium intensity at the intersections and low intensity on surrounding areas, which is also in accordance with the Comprehensive Plan. It is not appropriate, now that development has started, to isolate those already existing low intensity uses and cause them to be islands of low intensity residential development in a sea of medium intensity commercial.

Therefore, the Staff recommends **DENIAL** of CS and CG zoning on the subject tract as it is not in accordance with the Comprehensive Plan and Development Guidelines. Staff also expresses nonsupport of PUD 179-M.

**NOTE:** Discussions at an evening meeting of the District 18 Planning Team with representatives of the applicant and INCOG Staff centered upon differences in intensity (i.e., .3 FAR office versus .3 FAR commercial); specifically, how these intensities would relate to traffic generation. Information as to statistical differences in traffic generation from office and commercial was not available at the meeting; however, is attached for information of the Commission. This information will also be provided to the District 18 Planning Team along with a copy of the Staff Recommendation and other exhibits.

Staff Recommendation: Major Amendment for PUD 179-M

**NOTE:** THIS IS THE IDENTICAL APPLICATION WHICH WAS RECOMMENDED FOR DENIAL BY THE STAFF AS Z-6069/PUD 179-K AND DENIED BY THE TMAPC 8/14/85 (8:0:1) AND DENIED BY THE CITY COMMISSION 9/24/85 (4:0:0, GARDNER ABSENT).

The Staff is not supportive of the applicant's request for a change in zoning from OL to CS or CG, and is therefore not supportive of PUD 179-M. The subject tract was converted from residential zoning to office zoning under PUD 179-D/Z-5718 and it is now proposed to be changed from office to commercial zoning. The tract has a net area of six acres with 450 feet of frontage on East 71st and a depth of 580 feet. The proposed use of the development would be for all uses permitted by right in a CS District with a maximum floor area of 93,560 square feet. The buildings are to be a maximum of two stories in height and will be in a U-shaped configuration with the rear of the structures facing the existing residential uses to the south and east. A five foot landscaped perimeter buffer is proposed with a six foot screening fence to the south and east, and 7% of the net land area would be devoted to landscaped open space. Signage controls included in the PUD Text are in general compliance with Section 1130.2 (b) of the PUD Chapter of the Zoning Code. Stormwater drainage from the site is generally from the northwest to the south and east.

Therefore, the Staff is not supportive of the underlying zoning requested from OL to CS or CG per Z-6136; as it violates the Development Guidelines and is not in accordance with the Comprehensive Plan; and further recommends **DENIAL** of PUD 179-M as it is:

- (1) inconsistent with the Comprehensive Plan;
- (2) not in harmony with the existing and expected development of surrounding areas;
- (3) not a unified treatment of the development possibilities of the site and,
- (4) inconsistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

NOTE: Discussions at an evening meeting of the District 18 Planning Team with representatives of the applicant and INCOG Staff centered upon differences in intensity (i.e., .3 FAR office versus .3 FAR commercial); specifically, how these intensities would relate to traffic generation. Information as to statistical differences in traffic generation from office and commercial was not available at the meeting; however, is attached for information of the Commission. This information will also be provided to the District 18 Planning Team along with a copy of the Staff recommendation and other exhibits.

Comments & Discussion:

Ms. Kempe advised that the Citizen Planning Team Chairman from District 18 contacted her to state support of the requested rezoning. Chairman Parmele stated a letter had been received from the District 18 Planning Team confirming support of the zoning and PUD, and recommending the TMAPC consider amending the District 18 Comprehensive Plan along 71st Street, or alternatively, extension of Special District 3 (Woodland Hills Mall) to cover the subject tract. The Team further recommended the depth of commercial zoning be limited and PUD's be required to further limit intensities in this area.

Applicant's Comments:

Mr. Terry Young, representing the Mr. Tom Wenrick, submitted a summary of the PUD text and stated the material was identical to that presented August 14, 1985. Mr. Young stated the only changes in today's application was a request in the alternative for CS or CG, as opposed to CS only; and changes in exhibits of the PUD text to reflect zoning changes in the immediate area during the last 15 months. Mr. Young pointed out that under the proposed PUD the development would provide 21,000 square feet less commercial floor area and an FAR 20% less than the OL zoning at .4 FAR. He indicated that the "P" Parking zoning of the Woodland Hills projects was a direct extension of the CG/CS commercial uses. Mr. Young stated he felt the Wenrick tract, which had less depth from 71st Street and less distance to the east of the Woodland Hills zoning line, should be afforded treatment equal to those tract across Memorial (Mervyn's, and Woodland Hills Village). He commented that the development around Woodland Hills Mall was as indicated on the originally adopted District 18 Plan.

Mr. Young then reviewed the District 18 Plan Map as to the intensities. He stressed the importance of using this Plan, as well as the Matrix, as adopted by District 18. He asserted that the Staff's recommendation stating that low intensity residential and office uses were the only uses in accordance with the Comprehensive Plan, was not what the District 18 Plan stated. Furthermore, he stated the actions of the TMAPC and the City Commission since the adoption of the District 18 Plan affirmed his point. Mr. Young reminded the Planning Commission that the Vision 2000 update of the Comprehensive Plan provided for a "living document"; one not cast in stone. It further provided that approval by the City Commission of zoning

not in accordance with the adopted Plan actually amended the Comprehensive Plan. Therefore, he concluded that the District 18 Plan must be restudied, and his position was that the subject tract was in accordance with the Plan. Mr. Young requested CS zoning be approved, although they originally advertised CG zoning in the alternative, and requested approval of the submitted PUD 179-M.

Mr. Doherty stated that it appeared by his arguments he was suggesting that the CS be treated as a "may be found" in accordance. Mr. Young replied that based on the City's actions since the adoption of the District 18 Plan, it was his opinion CS was certainly a "may be found" and probably an "in accordance" category as the Plan actually existed today.

Ms. Wilson inquired as to when the District 18 Plan Map was adopted. Mr. Gardner advised that the Plan Map and Text was adopted August 27, 1975. Mr. Carnes asked Mr. Young to comment on their plan of approach as to the six laning of 71st Street and the additional traffic commercial development would create. Mr. Young stated the six laning would provide the needed access to these areas, and he felt it was unlikely that the 90,000+ square feet of commercial in this development would generate any "new" traffic into the area. He stated the high traffic volumes already in this area were more likely to feed the subject property, rather than these small operations generating large amounts of new traffic.

Mr. Paddock, based on the fact that this was an identical application to that previously voted on a year ago, asked Mr. Young what changed his thinking on the merits of this proposal from the previous presentation. Mr. Young stated it was his subsequent review of this case and the area in question, plus the pending construction of the Mingo Valley Expressway. He stated it was a bad decision of the City Commission at the previous hearing to deny the rezoning and PUD, as there was no reason to not approve this, particularly with no protestants at the hearing.

Mr. VanFossen stated he felt a key issue was the status of the Mingo Valley Expressway (to 71st), and he requested an update on this. Mr. Young explained the Mingo Valley Expressway was under construction and the dirt moving contract had been awarded; paving or bridge contracts have not yet been let, but are scheduled for 1987. According to the Street Commissioner's office, the Expressway should be completed to 71st Street by the Fall of 1988.

Additional Comments and Discussion:

As requested by Mr. Carnes, Mr. Gardner commented there were some items that needed to be clarified. Mr. Gardner stated that, according to Mr. Young's comments, their office square footage would be 20% less than commercial, yet the commercial traffic based on the Staff's projections was 360% (commercial versus office); so decreasing FAR by 20% doesn't seem to be much compensation for the increased intensity of commercial over office. Mr. Gardner continued by commenting that PUD's, under the Development Guidelines, were encouraged to allow some expansion beyond the

this to be vacant property with the potential for commercial zoning. Mr. Gardner advised that Staff stated in their recommendation that if the subject property were zoned commercial, a precedent would be established for a 600' depth for commercial zoning from the centerline of 71st Street, away from the Node. Therefore, a distinction could not be made between the subject tract and any other shaded area. Subsequent zoning then becomes a matter of equity and precedent.

Mr. Young, as recognized by Ms. Wilson during the TMAPC review, stated that CO zoning appeared in each of the categories of the Matrix, reviewed the CO zoned areas on Mingo, and stated there were controls the TMAPC could undertake if their goal was to reduce overall intensity in these areas in the future.

Mr. Carnes asked Mr. VanFossen to restate his calculations as to the square footage if this was commercial. Mr. VanFossen replied he had commented earlier that Mr. Young's submittal had a .4 FAR in the office and only a .32 FAR in this presentation. Unless they have specifically received approval, OL was only .3 FAR. Therefore, there was more square footage being asked in this case than there was the right to do, unless there are special approvals under a PUD or from the BOA.

Mr. Doherty stated that, in this instance, he found himself in agreement with Mr. Lucas and District 18 that some Special District might be in order, especially with the Mingo Valley Expressway terminating at 71st Street, and the difficulty of handling this particular area.

Mr. Draughon commented that the DSM comments indicated this area to be part of Halkey Creek Watershed; a Master Drainage Plan was under way; on-site detention would be required, as well as a Class A Watershed Development Permit at the time of platting. Mr. Draughon further commented that in 1974 the Woodland Hills Development was completed (or near completion), and he felt the detention required for that development was completely inadequate. He also stated that in 1976 most of the residents along the Mingo Creek were flooded, and he wanted to be sure that such flooding was protected in the future. He expressed similar concerns for the people in the Halkey Creek Watershed, and recognized that we now have some controls in place so that this would not happen again. Mr. Draughon stated that before he could approve this zoning change or the PUD, he thought that DSM should be consulted on this and find out just what is meant by on-site detention.

Mr. Carnes stated he felt this entire area would eventually be strip zoned commercial, whether through a Special Study or due to the Mingo Valley Expressway ending at 71st, and he personally did not have a problem with it going commercial from the Expressway to Memorial along 71st. He did, however, have a problem with the amount of footage requested, in light of the traffic volumes. Mr. Carnes suggested that the applicant and Staff get together to work on a solution.



Chairman Parmele suggested that should the Commission be thinking of any action, that it be on the zoning first and then discuss the PUD, as Staff did not make a recommendation on the PUD. Mr. Carnes, based on this comment by Chairman Parmele, moved for approval of the zoning, subject to the PUD being worked out. Chairman Parmele stated that if this course of action were taken, the transmittal of the minutes (of the zoning case) would need to be held until the PUD was heard by the TMAPC. Mr. Carnes amended his motion for approval of CS zoning and the withholding of the minutes until the accompanying PUD was presented.

Mr. Paddock advised he was very concerned with this proposal because the Commission was being asked to consider a major policy change. As the Development Guidelines and the District 18 Plan and Map may never have contemplated this type of situation, the TMAPC should, as people who are engaged in the planning for the City, look at the whole picture before moving ahead. Mr. Paddock further commented that until the basis has been properly prepared for such a policy change, which would be through a recommendation as to a Special District and reviewed by the City and County, he was not prepared to do what amounted to approval of spot zoning. Therefore, he could not support a motion for rezoning this tract of land to CS.

Ms. Wilson, in response to Mr. Paddock's comments, recalled that in 1985 several Commissioners voiced a desire to have a special study done of this area. However, Staff was not supportive of this as they felt it was too broad. Ms. Wilson felt there was a difference in perspective among the TMAPC members as to how they saw the needs and goals of a special study, what a Special District was, and what the professional staff was indicating.

Mr. Doherty commented that District 4 just completed a Special District revamp in the TU area to recognize the "real world situation" as it existed. He was in agreement with others on the Commission that were not sure the Development Guidelines could deal adequately with the **existing** circumstances at 71st and Memorial. Mr. Doherty added the only way he could see to deal with this realistically was through some kind of Special District. However, he did question the fairness of making any applicant wait through the tedious process of studying a Special District. Mr. Doherty stated he would, somewhat reluctantly, support the motion since the applicant was willing to submit a PUD and since he felt this area might eventually "strip out", or develop to the maximum intensity.

Mr. VanFossen stated he did not think the 600' depth was appropriate. He commented that he would be in support of "stripping" from Memorial to the Mingo Valley Expressway, at such time the Expressway was assured, however, he questioned whether the Expressway would be completed any time soon or was even an assured factor. At the time of assurance, he would be in favor of developing this area to, at least, a medium intensity but only to a depth of 300 or 400 feet. But at this time, he stated he would not be in favor of the motion to approve CS.

Ms. Kempe, having discussed this with the District 18 Citizen Planning Team chairman, stated she was somewhat in agreement with the pragmatic view that this probably was going to happen at sometime. Ms. Kempe stated she was most interested in the Special District concept because controls could be placed that, otherwise, could not be. However, for the time being, Ms. Kempe stated she was somewhat reluctantly in opposition to the motion.

Chairman Parmele stated that, for the first time this year, the Commission was in receipt of two recommendations from two Planning Teams on two different cases. District 18 residents in this area, having met and to review application, were in agreement that this area should be commercial. He stated he was in agreement with those that felt this was a special and unique area of the City of Tulsa. Chairman Parmele added that this might be a "Type IV Node" that was not anywhere else in the City, and this was probably the highest concentration of retail space in the State. It would be foolish, considering the physical facts here, to try to hold this piece of land for something other than that use. Chairman Parmele added that with the support of District 18, the fact that there are no protestants, the purchase of right-of-way for the Mingo Valley Expressway assured, and the monies available for the six laning of 71st Street, the TMAPC should realize these physical realities and that this was, in fact, a commercial corridor. For these reasons, he would be in favor of the motion.

Mr. Paddock stated he never intended to indicate in any way that he might be opposed to commercial development along 71st Street between Memorial and Mingo. His argument was that the TMAPC should recognize they would be making a major policy change, and this should not be done on an individual application. He agreed this area should be reviewed from the standpoint of a creation of a Special District in District 18. Further, since the TMAPC was in the business of planning, as well as zoning, he thought it would make sense to look at this from a planning standpoint so as to avoid misinterpretation of any actions by the citizens of Tulsa.

Chairman Parmele pointed out what Ms. Wilson recalled that the TMAPC felt at the previous hearing on this site, that maybe this should be considered for a Special District. He added that this case may be the trigger to get this done, however, he did not think the property owner should be penalized by waiting. Mr. VanFossen stated the Commission did not have the physical facts in place to support this use for the depths and intensities requested, i.e. the Mingo Valley Expressway. Chairman Parmele disagreed.

**TMAPC ACTION: 10 members present**

On **MOTION** of **CARNES**, the Planning Commission voted **5-5-0** (Carnes, Doherty, Parmele, Wilson, Woodard, "aye"; Draughon, Kempe, Paddock, Selph, VanFossen, "nay"; no "abstentions"; (Crawford, "absent")) to **APPROVE** Z-6136 Young (Wenrick) for CS, and withhold transmittal of these minutes until such time as the PUD was heard.

**Z-6136 & PUD 179-M Young (Wenrick) - Cont'd**

Discussion followed as to how best to handle this since the vote was a tie vote, which meant this should be transmitted to the City as a "no recommendation" from the TMAPC. However, the motion also stated the minutes be withheld. Therefore, Mr. Doherty made a motion for a one week continuance to allow discussion of the PUD between Staff and applicant; no second of the motion was offered. Discussion followed as to the next best course of action, due to the tie vote, the withholding of transmittal and with the holidays presenting an obstacle to a continuance.

Ms. Kempe offered an alternative motion to reconsider the previous vote on the zoning for the purpose of continuing both the zoning and the PUD for four weeks. Discussion followed on the suggested motion and the proper way to handle this situation.

**TMAPC ACTION: 9 members present**

On **MOTION** of **KEMPE**, the Planning Commission voted **8-1-0** (Carnes, Doherty, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; (Selph, Crawford, "absent") to **APPROVE** the **RECONSIDERATION** of the previous vote on Z-6136 Young (Wenrick) for CS, for the purpose of **CONTINUING** Z-6136 and PUD 179-M until Wednesday, January 7, 1987, at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

**Additional Comments and Discussion:**

Mr. Carnes stated that, in his initial motion, he felt the applicant needed to consider the amount of zoning and the amount of square footage. Mr. Young requested clarity, if it were the Commission's intent, that the Staff and the applicant work together to devise the PUD as the Staff would recommend it if the zoning were approved, so as to allow a working PUD that can be reviewed and acted upon by the TMAPC, if in fact the zoning in some fashion were approved. Mr. Paddock stated agreement and Chairman Parmele directed Staff to review the PUD as if some form of zoning had been approved.

**SUBDIVISIONS:**

**FINAL PLAT APPROVAL & RELEASE:**

**Harvard Grove (1783)**

West side of South Harvard at 84th Street (RS-3)

On **MOTION** of **KEMPE**, the Planning Commission voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Selph, Crawford, "absent") to **APPROVE** the **Final Plat and Release for Harvard Grove**, as recommended by Staff.

OTHER BUSINESS:

**PUD 414-2:** North and East of the NE/c of Yorktown Avenue and East 36th Street - being Lot 1, and the North 20' of Open Space of Kennebunkport Addition.

Staff Recommendation: Minor Amendment and LNO 16770

This is a request to split off the north 20 feet of the open space and attach it to the abutting lot to the north (Lot 1).

The original PUD 414 was approved by the TMAPC on April 9, 1986, and by the City Commission June 17, 1986 in order to allow 10 detached single-family residences and accessory uses on 2.73 acres that was later platted as Kennebunkport Addition.

A previous application, PUD 414-1 was denied on Lot 1 by the TMAPC on November 5, 1986 and it was stated that the minimum acceptable setback from the east boundary would be 20 feet. PUD 414 requires a 20 foot rear yard setback as approved by the TMAPC and City Commission.

After review of the applicant's proposal, the Staff finds that this request is minor in nature and consistent with the intent of the original PUD. Staff therefore recommends **APPROVAL** of this request subject to the following conditions:

- (1) That tie language be placed on the deed of the "Open Space" stating that the north 20 feet of the "Open Space" is restricted from being transferred without including Lot 1.
- (2) That a separate instrument be filed to guarantee that the north 20 feet of the "Open Space" tract cannot be developed and shall always be kept as open space.
- (3) That all of the Development Standards and conditions of approval for PUD 414 shall be met unless specifically waived or varied herein.
- (4) That LNO 16770 be approved subject to TMAPC approval of a Detail Site Plan being a requirement and condition of approval of the Lot Split prior to the issuance of a building permit on the subject tracts.

**NOTE:** Abutting owners and interested parties were notified of this meeting.

Comments & Discussion:

In reply to Mr. VanFossen, Staff clarified conditions #2 and #4 in regard to the lot split request. Mr. Draughon advised the DSM comments indicated that "a Watershed Development Permit and a PFPI has already been issued for this project. The drainage in this subdivision moved from south to north and care should be taken not to create a damming problem on the interior lot grading. On-site detention is being provided."

TMAPC ACTION: 10 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-1** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; (Crawford, "absent") to **APPROVE** the Minor Amendment and LNO 16770 for PUD 414-2, as recommended by Staff.

\* \* \* \* \*

**PUD 261-A (Area C):** North & East of the NE/c of South Peoria and East 71st

Staff Recommendation: Detail Sign Plan for Wal-Mart

The subject tract has received approved for a 105,000 square foot retail development and a Wal-Mart store is in the final stages of construction. The proposed Detail Sign Plan is for a monument type sign to be placed adjacent to the east entrance from East 71st Street. The sign display area is 48 square feet total (4' tall x 12' long) which is in compliance with PUD 261-A.

Therefore, Staff recommends **APPROVAL** of the Detail Sign Plan for the monument type sign at the East 71st Street entrance, subject to the submitted plan.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **7-0-2** (Carnes, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Woodard, "aye"; no "nays"; Parmele, Wilson, "abstaining"; (Crawford, "absent") to **APPROVE** the **Detail Sign Plan for Wal-Mart**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 4:33 p.m.

Date Approved 12-10-86  
[Signature]  
Chairman

ATTEST:

[Signature]  
Secretary

